App F IX 4

Previous References (1942 ML) File No 151-42

Serial Nos. 1 to 4

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos four

Part B for July 42.

SUBJECT

Disposal of the lease of chamarajpet-
Sewage Farm

To,

The Hon'ble Chief Secretary

L 1121/28 7 42

Stating that the stay order issued by govt in the matter is vacated

Re: Sewage of Chamarajpet Tk.

300/1

General and Revenue Secretariat

File No 150 of 194 2-3 [App F III-2

Serial No

Petition dated 13.7.42 from Mr A L Chikkahanumaiah, Patel of Kalakalle, Bangalore Taluk (South) Regarding requesting for the issue of Stay orders in connection with the disposal of the leave of the Chamarajapet Sewage farm by the Bangalore City Municipality

1) Minutes of the Minister for L S Gaudar P H on the petition —

2) "A report with the connected files may be obtained from the same capacity The party fears that there will be breach of peace since there are standing crops Further Proceedings may be stayed The report may be got within three days"

Sec to H G
13/7/42

3) Put up
Sec to G R R
13/7/42

4) Send to with a draft as directed
Sec
13/7/42
GS I

5) Issue now
13/7/42

NOTE—Cont Sheet

WD 041 5—GPB— 5 000—23 10 41

Disposal of the lease of Chamarajapet Sewage Farm

300 L 525 L

ml File No. 154 of 1942-43 — General and Revenue Secretariat

Serial No

To The ml Commr, Bcgf, thro DOs-
No L 355 Dt 13-7-42-
Calls for a report on the Petition & directs that further proceedings in the matter may be stayed pending orders of Govt
6) Report called for has not yet been received Subd with a DO reminder for apptl
7) Issue at once
Sd/- illegible
Sd/- illegible
Sd/- illegible

Disposal of the lease of Chamarajapet Sewage Fa

3000 525 L

Serial No

tomorrow only

Sec
23/7/42

Cus
23/7/42
Jus

"D & D" 12) The facts of the case which are set forth in the Municipal Commissioner's letter are briefly as follows -

13) One Mr A L Chikka Hanumaiah is the lessee of the Chamarajapet Sewage Farm for 3 years from 1-7-1939 on payment of a sum of Rs 500/- per year to the Bangalore City Municipality The period of the lease would expire on 1st July 1942

"R" 14) On 3rd January 1942, he applied to the -- Municipal Commissioner and the President to extend the lease for a further period of 3 years at Rs 500/- per annum His grounds were that the farm was handed over to him after the harvest season was over and that it took a long time for him to bring it to form by spending a heavy amount as it was very much neglected by the previous lessee and he could not derive any benefit

9" 15) On 9th March 1942, the Managing Committee resolved to call for tenders and in response to the -- notice, six tenders were received Of these Mr G -- Ajjappa has tendered for Rs 2610/- per year, the highest bid, while the appellant's bid was Rs 1650 per year The appellant again put in an application on 29-5-42 that the lease may be given to him alone for a period of three years at Rs 2000 per annum As there was a

"P"

"H"

NOTE—Cont Sheet

Disposal of the lease of Chamarajapet Sewage Farm

	Serial No
higher tender for Rs 2610, the lease could not be given to him and a recommendation was made to the Managing Committee that, if he were to accept to pay Rs 2650 p a. the lease may be given to him	
16) On 11-6-42, when the Managing Committee took up this question, the appellant appeared before them and said that he was agreeable to take the lease for Rs 3000 per year The Managing Committee accepted this subject to the condition that an advance of Rs 3000 may be taken from him and that each year's rent also be recovered in advance But the Municipal Council turned down the proposal of the Managing Committee on 27-6-42 and accepted the tender of Mr Ajjappa for Rs 2610 An endorsement was issued to Mr Ajjappa to deposit Rs 2610 and he has sent a cheque for Rs 5120 which is kept in deposit, pending final orders as resolved by the Municipal Council on 15-7-1942 A stay order has also been issued	"O" "N" "M" "L"
17) The appellant Mr Chikka Hanumiah is now in possession of the sewage farm as lessee The statement that he has brought the farm under cultivation after spending much money is not contradicted anywhere in the records The records also bear out the facts that there are standing crops in the farm which would take some time for removal	
18) Even six months prior to the expiry of the lease, he has shown his earnestness to continue the lease He has also tendered when applications were called for and has even offered Rs 3000 which is six times the amount which he paid during the previous three years There is reason to believe that the bids received in this behalf	

Disposal of the lease of Chamarajapet Sewage Farm

300 V 525

Serial No

to the extent of Rs 2610 from others is due to the fact that the farm is kept in a good condition by the lessee The most equitable arrangement would have been to accept the opinion of the Managing Committee to continue the lease in favour of the appellant at Rs 3000 per annum The circumstances under which the Municipal Council accepted the tender of Mr Anjappa for Rs 2610 which is less than the sum of Rs 390 are not known

19) No doubt, clause 3 of the tender notice is to the effect that the Municipal Council reserves to itself power of refusal or acceptance of the highest or any tender that may be offered without assigning any reasons

20) It is seen in this case that the application of this condition would be against equity and would operate as a hardship to the appellant

21) Viewed from another standpoint, viz the public interest and the financial condition of the Municipality, there does not appear to be any reason why the Municipal Council should forego a sum of Rs 390 p a as its payment has been really assured to the Municipal Council by the appellant

22) It is also seen that the subject was brought up as Urgent Subject No 6 at the meeting held on 15th July 1942 after a report was called for by Government and it was resolved that the subject may be brought up again at the next meeting, and the Commissioner requested to receive the cheque sent by the Appellant for Rs 5/12 pending final orders of the Council

NOTE—Contn sheet

Coming

Disposal of the lease of Chamarajapet Sewage Farm

3000/525
2

File No 157 of 1942-43 | General and Revenue Secretariat

Serial No

23) Coming to the legal aspect of the case, kind reference is invited to Section 41 of the City Municipalities Act, 1933, that every Municipal Council shall be competent to lease, sell, etc any moveable or immovable property and under sub-section (2), the Municipal Council is competent to accept every lease unless it be for a term exceeding seven years, when only sanction of Govt. would be necessary Under sub-clause (3), a lease exceeding for a period of one year is subject to the -- sanction of the Municipal Council by a resolution passed at a general meeting The legal requirements have been satisfied in this case There does not a pear to be any ground for the Government to interfere from the legal point of view

24) If, ho ever, it is considered that a breach of peace is likely to take place, then the matter is one for the Deputy Commissioner t take action under Sec 218 of the City Municipalities Act, 1933

25) Since the Municipal Cou cil has not finally disposed of this question, as the subject is proposed to be brought up at the next meeting of the unicipal Council, a suggestion may perhaps be made to the Mcl that equity and financial interests of the Municipality demand that due consideration be shown to the appellants bid for Rs 3000/- per year This is for consideration and orders, as the Mcl may not also be a mind to take up the suggestion

Lawsey 24/7/42

Serial No

Managing Committee, to unnecessarily & unjust— The disproportionate increase in the land-tax can hardly cause a healthy competition. The improvements effected by the previous lessee, the appellants must also have partly contributed towards it—

27) But the Govt cannot interfere for $41, which amounts upon previous sanction of the Govt— in case of every sale or other transfer of plot or portion property exceeding Rs2000/- in value, Govt's authorised previous & the consent in case of lease up to seven years, whatever may be the amount of rent—

28) It may not be advisable to give any discretion to the Council, in this respect based as recognised in Para 25—

29) The question of likelihood of breach of the peace is not a matter for consideration here, as pointed out by the Govt-

NOTE—Contn sheet

61 Disposal of the lease of chamundarajpet Sewage Farm

525

ML File No 157 of 1942-43 General and Revenue Secretariat

Serial No

Govt -

Memo dtd 27-7-42 from

Stay order may be vacated

27-7-42

OFFICE OF T P I R
FORTLS G & P H
Dt 27-7-42
N 983

dtd 27-7-42

Issue draft letter putting matter

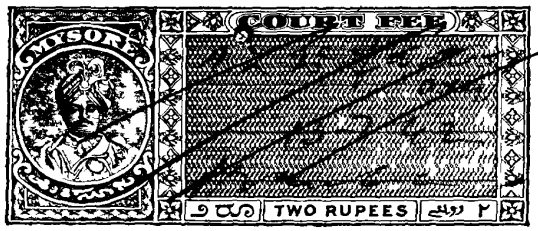
27-7-42

To The ml Commr. Bcig. this Dept
No L 1121 Dy 28-7-42

Returns the record and states that the stay order issued by Court in the matter is vacated

Dy 29/7

OFFICE OF THE MINISTER
FOR L S G & P H
Dt 13 7 42
N 230



300/L

ML 15-42-1

To

B Gundappa Gowda, Esqr, B A LL B,
Minister for Local-self Government
& Public Health in Mysore,
Bangalore

Respected Sir,

I the undersigned, beg to submit the following few lines for your kind consideration and favourable orders

I was the lessee of the Chamarajapet Sewage Farm since 1939 and was paying a rent of Rs 500-0-0 a year I took it up when the farm was neglected and unfit for cultivation By personal efforts and spending huge sums of money I was able to make it cultivable The lease term expired in June 1942 I offered Rs 1650-0-0 per year to continue as a lessee for another term of 3 years but on account of different opinions an outsider who is not at all an agriculturist offered Rs 2610-0-0 per year for the same when the tenders went before the Managing Committee for opinion, an application was taken from me for Rs 3000-0-0 a year and the lease was confirmed in my favour though this amount was very heavy and there would not be any benefits by taking the lease for that amount yet as I had standing crops on the farm I offered this heavy sum Subsequently when the subject went before the Council, they rejected the opinion of the Managing Committee assigning no reasons whatsoever and accepted the highest tender of Rs 2610/-

In this connection I beg to submit as follows ---

1 The farm was practically useless when I took up the lease and by my personal efforts and spending huge sums of money, I brought it to a sound condition The Commissioner and the Health Officer

who were constantly visiting the farm can certify to this

2 Though the lease was from March 1939, I was actually given possession from June 1939 and thus I was a loser in the first year since it was too late for any kind of produce

3 The Managing Committee after deep consideration accepted my offer of Rs 3,000-0-0 and confirmed the lease in my name

4 This offer of Rs 3,000-0-0 recognised by the most important Committee of the Municipal Council is nearly Rs 350-0-0 more than the highest tender offered

5 The Council has assigned no reason for rejecting the opinion of the Managing Committee, but has merely approved the tender of Mr Ajjappa for Rs 2610/-

6 At present there is standing crops on the farm and for the last one month when the Municipal council confirmed my offer I have been working at it

7 If I am asked to give up the farm I will be put to a heavy loss since I will not be able to remove the crop now on the farm

8 The action of the Council in not assigning any reason for throwing out the recommendation of the Managing Committee is opposed to law and equity, since it was entirely due to my efforts and money that the farm has become an yielding one

9 My offer of Rs 3000-0-0 which is about Rs 350-0-0 more than the tender is beneficial to the Municipality since 3 years there is an additional income of Rs

1200-0-0 to the Municipal Treasury

10 I have been paying the yearly rents regularly and am never a defaulter at any time there has been no complai natever against me during the three years I was the lessee

Under these circumstances, beg that the connected records may kindly be got from the Municipality and perused and orders passed, setting aside the Council resolution -I have been served with a notice to hand over possession of the farm immediately, and I humbly request that a stay order may be kindly issued stopping further proceedings, till final orders are passed by the Government

for which act of kindness and justice I shall ever pray for your honour 's long life and prosperity

16-7-42,
Bangalore.

I beg to remain,
respected Sir,
your most obedient servant,

A L Chikkahanumaiah patel

sd A L Chikkahanumaiah,
Patel of Avalah Hli,
Urtarahalli Hobli,
Bangalore Taluk
(south)

Enc one endorsement
No P.H. 1/42-42(B2)
dated 6-7-42 of the
Revenue Officer,
Bangalore City Muni-
cipality., for perusal

L2 PR 7/42-43

Office of the Revenue Officer
Bangalore City Municipality
Dated 6-7-42

To
Mr A. Chickahanumaiah
Patel Avalahally
Ullavahally Hobli
Bangalore Taluq

ನಿಮ್ಮ 1941-42 ನೇ ಸಾಲಿನ ಕಂದಾಯದ ಪಟ್ಟಿಯ ಮೇಲಿನ ಬಾಕಿಯನ್ನು ಕೂಡಲೆ ಕಟ್ಟಿಸಿಕೊಳ್ಳುವಂತೆ ಪತ್ರಿಕೆಯ ಮೂಲಕ ತಿಳಿಸಿದ್ದರೂ ಸಹ ಇದುವರೆಗೂ ಕಟ್ಟದೆ ಇರುವುದರಿಂದ ಈ ಪತ್ರದ ಮೂಲಕ ತಿಳಿಸುವುದೇನೆಂದರೆ ನೀವು ಈ ಪತ್ರ ಬಂದ 15 ದಿವಸಗಳೊಳಗಾಗಿ ಬಾಕಿ ಇರುವ ಕಂದಾಯವನ್ನು ಕಟ್ಟಿಸಿಕೊಳ್ಳಬೇಕಾಗಿ ಕೋರಿದೆ.

ಇಂತಿ ನಿಮ್ಮ ವಿಶ್ವಾಸಿ
ಕಂದಾಯ ಅಧಿಕಾರಿ

immediate

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No L 355 Enc one

Dated Bangalore 13 **July 1942**

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore

Law Department.

To

The Municipal Commissioner,
Bangalore City (through the President)

Sir,

I am directed to forward herewith a copy of petition dated 13th July 1942 received from Mr A L Chikkahanumaiah, Patel of Avalahalli, Bangalore Taluk (South) regarding the disposal of the lease of the Chamarajapet Sewage Farm and to request you to be so good as to furnish a detailed report with the connected records within three days.

2 Further proceedings in the matter may be kindly stayed, pending orders of Government.

3 This may kindly be treated as immediate.

I have the honour to be
Sir,
Your most obedient servant,

for Secretary to Government
Law Department

Appendix F G—1]

SUBJECT

Diary No of letter replied to 300

General and Revenue Secretariat

( )

the *19*

Date of issue 18/7/42

Signed by

List of enclosures

Copied by

Examined by

Section ML

File No

Serial No

No L 3547 Genl 355

To The M.L Commr, Bangalore and cl, thro the Presidency

Sir

I am directed to forward herewith a petition from (~~to the Kindly~~ ~~returned with the report~~) from Mr AL Chikkahanumaiah Patel of Avalahalli, Bangalore Taluk (South) regarding the disposal of the lease of the Channarayapet Sewage Farm, ~~and to~~ to request you ~~to~~ to furnish a detailed report

with the connected records, ——— P 2

within three days (further proceedings in the matter may be stayed pending orders of Sec'y this may kindly be

treated as immediate

J Lane Elc

for Secy to Pres't
Law Dept

Appendix F G—1]

SUBJECT

Section Mnl

File No 157-42

Serial No

Diary No of letter replied to

No L 685

To

General and Revenue Secretariat

( )

the *19*

Dear Sir,

I am desired to invite reference to this office letter No L 355 Dy 137-42 calling for a report about the disposal of the lease of the Chamarajapet Sewage Farm, and to request you to ~~forward~~ the report thereon called for without any delay

Yours faithfully

24/7/42

To the Ml Commr. Bly

(By messenger)

Date of issue 24/7

Signed by

List of enclosures

Copied by

Examined by

WD 086—GPB—40 000—30 7 40

BANGALORE CITY MUNICIPALITY

No A4 679/41-42 MUNICIPAL OFFICES

Encl One file as per pherist Bangalore 21st July 1942

IMMEDIATE

From

ABDUL AZIZ KHAN Esq B.A
MUNICIPAL COMMISSIONER
BANGALORE CITY

SECY LAW DEPT 22 JUL 1942 GOVT OF MY

22 JULY 1942

C Narayanaswamy, Naidu, Esq , B A , B L ,
SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE
LAW DEPARTMENT BANGALORE

SIR

With reference to your letter No L 355 dated 13-7-1942, forwarding a copy of petition of Mr A L Chickahanumiah, Patel of Avalahalli, Bangalore Taluk (South) regarding the disposal of the lease of Chamarajapet Sewage Farm and calling for a detailed report with the connected records, I have the honour to state that the farm in question had been leased to the said petitioner for a period of 3 years from 1-7-1939 for Rs 500/- per year He gave an application on 3-1-1942 for extending the lease for a further period of 5 years at Rs 500/- per annum on the grounds that the possession of the farm was given over to him after the harvest season was over and that it took a long time for him to bring it under cultivation by spending a huge amount as it had been very much neglected by the previous lessee and that he could not derive any benefit during his lease period The subject was placed before the Naraging Committee who resolved on 9-3-42, that tenders should be called for Accordingly, tenders were called for and in response, 6 tenders were received The tender of one Mr G Ajjappa for Rs 2,610/- per year was the highest and that of the petitioner, was for Rs 1,650/- The latter, again put in an application on 29-5-42, stating that when the farm in question was given over to his possession, it was a dry land in a neglected and hopeless condition and that it took 2 years for him to bring it under cultivation by spending a sum of Rs 3,000/- etc , as stated by him in his application ('Flagge 'H' in the enclosed file of papers) It was further stated by him that he spent a lot to bring the land in question to the present condition and that the other tenderers were tempted to give high tenders by the present condition of the farm . It was also stated by him that it would take 3 months more to realise the standing crops and that if the lease is otherwise disposed of, he would be put to a great loss He therefore requested that the lease may be given to him alone for a further period of 3 years for Rs 2,000/- per year

As there was a higher tender for Rs 2,610/-, the lease could not be given to the petitioner for a lower sum and hence a recommendation was made to the Managing Committee that if he were to accept to pay Rs 2,650/- per year, the lease may be given to him in view of the circumstances explained by him by taking sufficient security for realising the lease amount and that the Municipality would not be a loser by doing so On the day of the Managing Committee meeting, a statement was taken from the party that he would be agreeable to take the lease for Rs 3,000/- per year if the farm were to be given to him for 3 years and in the meeting of the Naraging Committee on 11-6-1942, it was resolved that the farm may be leased to Mr Chickahanumaiah for

3 years from the date of expiry of the present lease at Rs 3,000/- per year taking an advance of Rs 3'000/- from him and that each year's rent will have to be recovered in advance at the beginning of the lease year But, the Council, at their meeting held on 27-6-1942, resolved that the highest tender of Lr Ajjappa for Rs 2,610/- be accepted and that the opinion of the Managing Committee be not approved Accordingly, the Revenue Officer was requested to take further action in the matter The Revenue Officer reports that an endorsement was issued to Lr Ajjappa to deposit Rs 2,510/- in advance excluding the tender deposit of Rs 100/- and to execute the necessary lease deed in 10 days and to deposit also Rs 2,610/- being one year's rent in advance within 15-7-42, and that a notice has also been issued to Lr Chickahanumiah to hand over possession of the land to the Municipal Engineer immediately

As directed by Government in the letter under advertance, further proceedings in the matter have been ordered to be stayed pending final orders of Government In the meanwhile, Lr Ajjappa has also sent a cheque for P 5,120/- which has been ordered to be kept under deposit pending final orders as resolved by the Council on 15-7-1942

All the connected records are sent herewith for kind perusal and orders of Government in the matter

I have the honour to be,
Sir,
Your most obedient servant,

Forwarded with compliments

K Hanumantharao

Honorary President

Municipal Commissioner

mlt

G R S App F G 3

GFNERAL AND REVENUE
SECRETARIAT

(*Continuation sheet draft form*

L 1121

ML 158-42-4
with the records

To

The Municipal Commr
Bhuvesh
(This to President)

Sir

I am directed to return herewith the file of records relating to the leasing out of the Chamarajapet Sewage Farm received with your letter no A4 679/41-42 dated the 24th instant and to state that the stay order issued by Court in the subject matter will be duly treated

Thanking
Sir,
Your obedient
servant

28.7.42
Sdl-Ms G RRao
by the Md